

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RONALD FIDGE,

Plaintiff,

v.

LAKE COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

Case No.: 4:13-cv-05182-YGR

**ORDER STRIKING MOTION FOR LEAVE TO
AMEND THE COMPLAINT AND ALLOWING
FILING OF SUR-REPLY**

On Monday, January 6, 2014, Plaintiff filed (1) a Notice of Motion and Motion for Leave to Amend the Complaint (Dkt. No. 26), and (2) a sur-reply styled as an Opposition to Defendant Lake County Sheriff's Department AKA Lake County Sheriff's Office and Steve Wright's Reply to Plaintiff's Motion to Dismiss and Strike (Dkt. No. 27).

The Court hereby **STRIKES** the Motion for Leave to Amend the Complaint as incomplete because Plaintiff has failed to attach his proposed amended complaint. Under Local Rule 10-1, any party moving to file an amended pleading must "reproduce the entire proposed pleading." Civ. L.R. 10-1. The Court also notes that Plaintiff's Motion for Leave to Amend is premature. Defendants Lake County Sheriff's Department and Steve Wright have filed a Motion to Dismiss, which is currently set for hearing on January 21, 2014. This Court's decision on the Motion to Dismiss may render Plaintiff's Motion for Leave to Amend moot.

The Court will **ALLOW** Plaintiff to file his Opposition to Defendant Lake County Sheriff's Department AKA Lake County Sheriff's Office and Steve Wright's Reply to Plaintiff's Motion to


Dismiss and Strike. However, the Court notes that by filing this sur-reply without first seeking leave of Court, Plaintiff failed to comply with Local Rule 7-3(d). This rule states that “[o]nce a reply is filed, no additional memoranda, papers or letters may be filed without prior Court approval.”¹ Civ. L.R. 7-3(d). Plaintiff is hereby advised that failure to comply with any local or federal rule may result in the imposition of sanctions. Civ. L.R. 1-4.

The Court further notes that, as a *pro se* litigant, Plaintiff may seek assistance at the Court’s Legal Help Center. The Legal Help Center may assist persons who do not have lawyers if they make an appointment. The Legal Help Center’s phone number is (415) 782-8982 and its website is <http://cand.uscourts.gov/helpcentersf>.

The Clerk shall strike Docket No. 26 from the record.

IT IS SO ORDERED.

Dated: January 8, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

¹ Civil Local Rule 7-3(d) contemplates only two exceptions to this general prohibition, neither of which is at play here. *See* Civ. L.R. 7-3(d)(1)-(2).